In the High Court of Judicature at Madras

Dated:29.03.2006

Coram:

The Hon'ble Mr. Justice P. SATHASIVAM
and
The Hon'ble Mr. Justice J.A.K. SAMPATHKUMAR

Habeas Corpus Petition No.233 of 2006

K. Saravanan .. Petitioner

vs.

1. The Superintendent of Police
   Cuddalore District
   Cuddalore.

2. The Inspector of Police
   Cuddalore N.T. Police Station
   Cuddalore.

3. Ravi .. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of writ of habeas corpus directing the first and second respondents to produce the detenue Sankari, Daughter of Ejoumale alias Elumalai before this Hon'ble Court and set her liberty forthwith.

For petitioner : Mr. K. Gandhikumar

For respondents 1 and 2 : Mr. Varadharajan
for Mr.Abudukumar Rajarathinam
Govt., Advocate (Crl.)

ORDER

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(Order of the Court was made by P. SATHASIVAM,J.,)

The petitioner by name K. Saravanan filed this habeas corpus petition seeking direction to the first and second respondents to produce the detenue Sankari, daughter of Ejomale @ Elumalai before this Court and set her at liberty forthwith.

2. In the affidavit filed in support of the above petition

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it is stated by the petitioner that he studied upto X standard and is doing welding work. While so, he fell in love with one Sankari, who is his neighbour. Knowing the same, the parents of Sankari sent her to France. The petitioner used to receive phone calls from Sankari from France. The said Sankari came to India on 19.02.2006 and the petitioner took her to his native place, where they got themselves married and the marriage was also duly registered in the Office of the Registrar, Cuddalore on 22.02.2006. Thereafter, both the petitioner and the Sankari settled at Cuddalore. While so, on 23.02.2006, the third respondent, who is none else than the detenue's sister's husband, came to petitioner's house along with their henchmen, took the detenue illegally and pulled her thali and threw it away, and took the detenue with him. Though a complaint was made to the second respondent, no proper action was taken; hence, the present petition.

3. It is brought to our notice by the second respondent that the detenue again went to Paris along with her uncle Ravi. The second respondent has also placed a letter received by him, which is said to have been written by E. Sankari, the detenue herein. The said letter shows that the detenue reached Meenambakkam Airport on 19.02.2006 mid-night and her brother was not available at the Airport, and she was taken by one Saravanan, who is assisting her brother. The letter further shows that when she went along with the said Saravanan, she took cool drinks and fell unconscious and later she was rescued by the Police at Manjakuppam, Cuddalore. The letter proceeds further that, thereafter, she returned to Paris with her uncle Ravi. The said letter is duly signed by Sankari. According to the second respondent, the letter was written by the detenue at Paris and the same was handed over through her brother. On the backside of the letter there is an endorsement to the effect that the same was certified by Charles Carten at Paris (according to the second respondent he is the Officer authorised to certify).

4. In addition to the above letter, the second respondent has also placed the passenger ticket details, wherein the name of the detenue, the date of departure of the flight in which she travelled and other details are found.

5. Though the learned counsel for the petitioner is disputing the above information furnished by the second respondent, on going through the same, we are in agreement with the information furnished by the second respondent. It is made clear that for the disposal of the above habeas corpus petition, we arrive at such conclusion that no further adjudication is required in this petition. However, the petitioner is free to ventilate his grievances before the appropriate forum.

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With the above observation, this habeas corpus petition is dismissed.

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

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To

1. The Superintendent of Police
   Cuddalore District
   Cuddalore.

2. The Inspector of Police
   Cuddalore N.T. Police Station
   Cuddalore.

3.The Public Prosecutor,
High Court, Madras.

+1cc to M/s. K.Gandhikumar, Advocate Sr 15869

MAB (CO)
km/6.4.

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